



OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

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CHARLES J. HYNES
District Attorney

Anthea H. Bruffee
Assistant District Attorney

November 7, 2005

Memorandum

Hon. Edward Korman
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Room 448
Brooklyn, New York 11201

I am docketing this letter, along with the enclosure. I suggest that the parties agree to file a supplemental index to the record on appeal that it includes it.

Re: David Ranta v. Floyd Bennett
CV 97-2169 (ERK)

Dear Judge Korman:

The defendant's attorney has perfected his appeal to the United States Court of Appeals for the Second Circuit, of your May 23, 2000 Memorandum and Order, which denied the defendant's petition for a writ of habeas corpus in the above-case. My response is due in the Second Circuit on November 30, 2005. In preparing my response, I again obtained the trial and appeals files (seven boxes) in this case. Upon opening one of these boxes, I found an exhibits envelope which had been returned to our Office from the New York State Appellate Division, Second Department. Within that envelope, I found the lineup photographs that you had requested during your consideration of the defendant's petition for a writ of habeas corpus, and for which my Office's file room and I had done an extensive, but unsuccessful search at that time.

I recognize that this Court no longer has jurisdiction of this matter, however, because you had requested these photographs, I am sending you and defense counsel color copies of the photographs of both the first and second lineups in this

*CEPT
11/9/05*

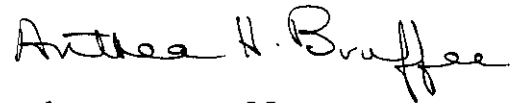
Hon. Edward Korman

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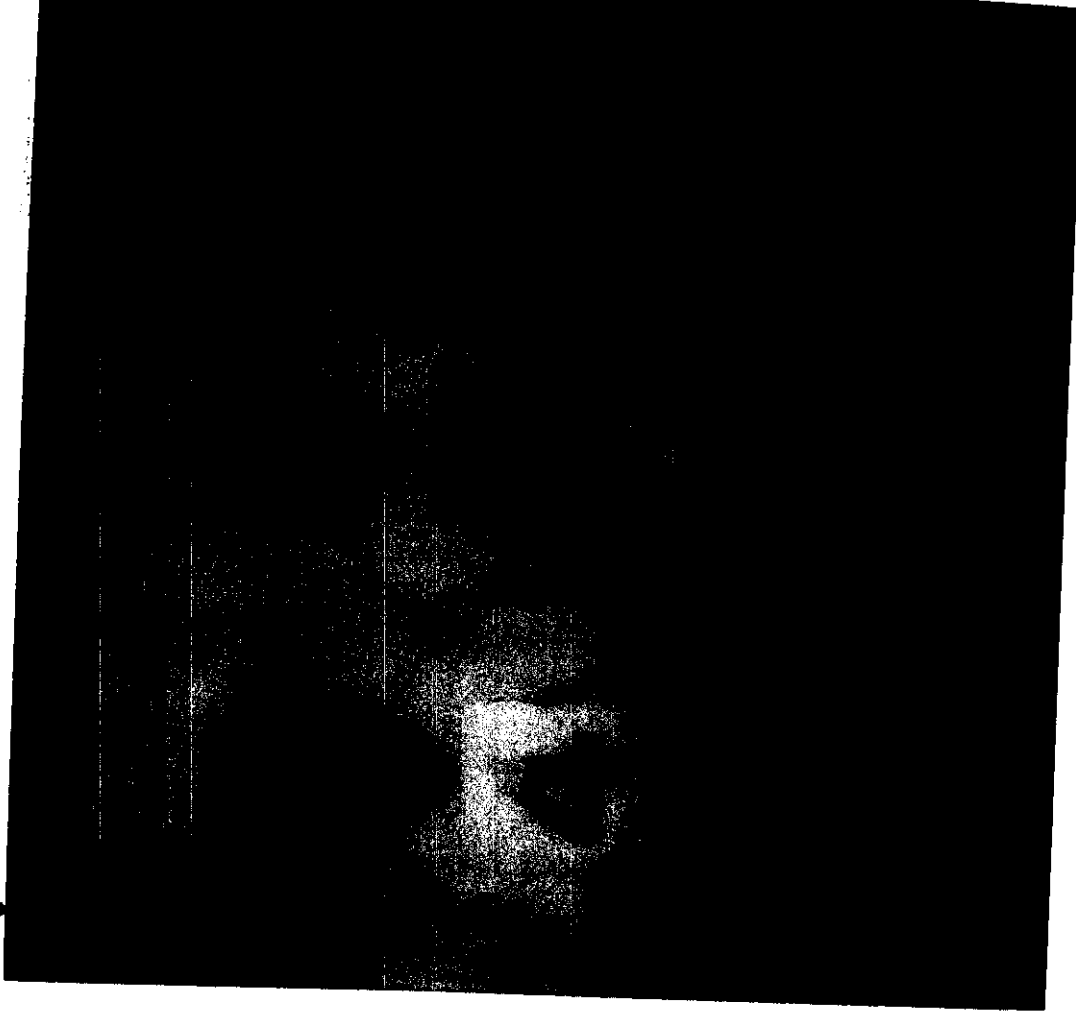
case. The photographs of lineup one were People's hearing exhibits 3 & 3A and trial exhibit 8, and the photos of lineup two were People's hearing exhibits 4 & 4A, and trial exhibit 9 in the state court. Please advise me if there is any other action I should take regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Anthea H. Bruffee".

Anthea H. Bruffee
Assistant District Attorney
718-250-2475

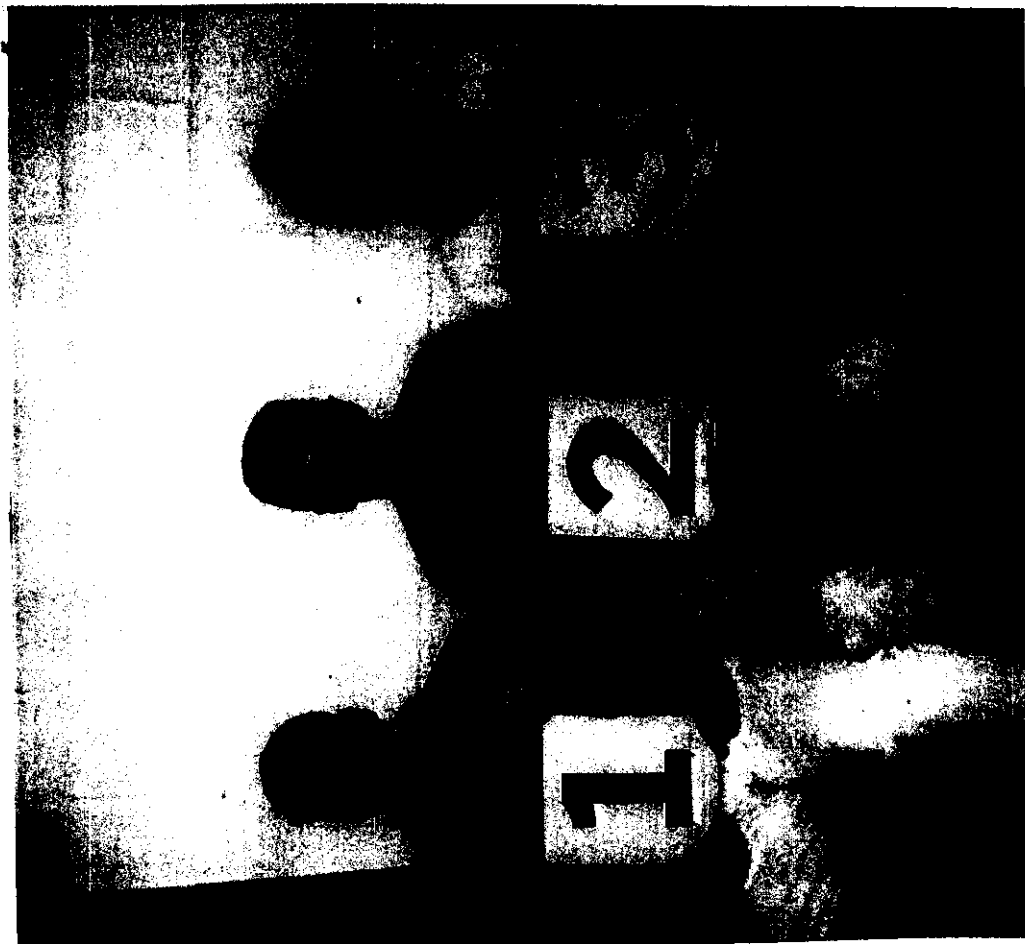
cc: David L. Lewis, Esq.
Lewis & Fiore
225 Broadway
New York, N.Y. 10007



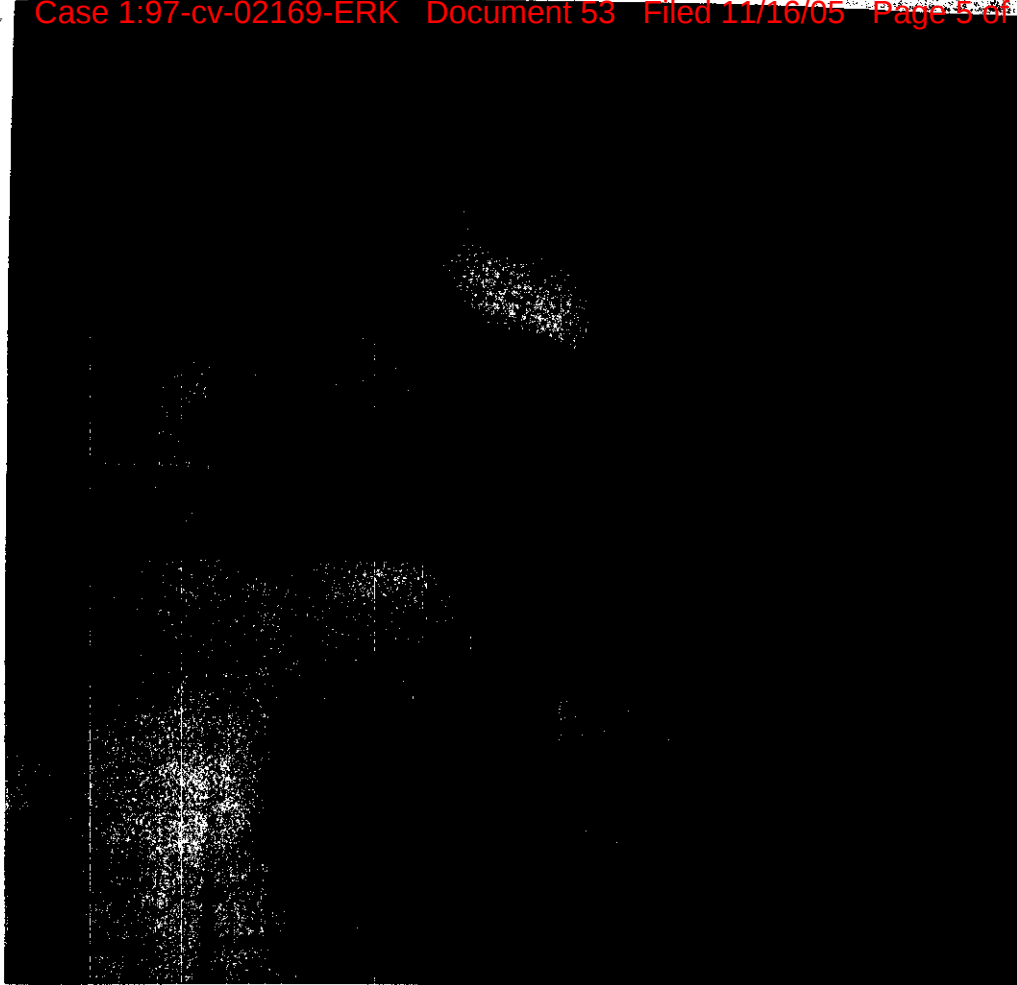
Hearing #1
5/8/91
Hearing Exhibits 3 & 3A
Trial Exhibit 8



Lineup # 1
People's Ex. 8



Hearing # 2
5/8/91



Hearing Exhibits 4 & 4A
Trial Exhibit 9

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Incident # 2

People's Exh. 9